

Enforcement of NSPS Requirements

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
MAY 3, 1976

MEMORANDUM

TO:

Enforcement Division Directors
Regions I-X

FROM:

Director, Division of Stationary Source Enforcement

The attached memorandum concerns an NSPS enforcement problem which occurred recently in Region IV.

Monsanto Chemical had planned to use low sulfur coal in a steam generator subject to NSPS to achieve compliance with the emission limitation provision CFR 40 60.43. Monsanto had asked to burn high sulfur fuel for 180 days after start-up, before the performance test required by 60.8. The issue was what enforcement options were available to the regional office to prevent Monsanto from burning a high sulfur coal upon start-up.

The conclusion reached in the memorandum was that the 180-day period provided for in 40 CFR 60.8 is not grace period during which source ? make no attempt to achieve compliance with NSPS. Rather, it is a shake-down period, which may be unnecessary, to allow for fine tuning of control equipment. When a situation like the one in Region IV arises, the regional office should pursue whatever enforcement mechanism it feels will insure expeditious compliance with NSPS requirements. Enforcement options include an administrative order to burn complying low sulfur coal or, if appropriate, a civil or criminal action.

We have reviewed these issues with the Office of General Counsel which occurs in the approach endorsed in the memorandum. Should you have any questions, please contact Barry Russell (202-755-2542) of my staff.

Richard D. Wilson

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